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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/100,569 06/19/98 BURKE

M CASE-2-1-3-2

027771

TM02/0815

JOHN DE LA ROSA

67 WALL STREET

SUITE 2211

NEW YORK NY 10005

EXAMINER

LIL'S

ART UNIT

PAPER NUMBER

2634

DATE MAILED:

08/15/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/100,569

Applicant(s)

BURKE ET AL.

Examiner

Shuwang Liu

Art Unit

2634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1 and 11 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 11 recite the limitation "the noise level" on line 5 of claim 1 and line 8 of claim 11, and "the changing system operating parameters" on line 9 of claim 1 and lines 12-13 of claim 11. There is insufficient antecedent basis for the limitations in the claims because these limitations were not introduced before.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Weaver, Jr. et al. (Patent Number 5475870).

As shown in figures 3 and 4, Weaver, Jr. et al discloses a method and receiver for receiving a signal on a receive path of a receiver, comprising:

injecting a desensitization signal (by a coupler 210 in figures, column 10, lines 32-40) into said receive path (210 and 224) to raise the noise level of said receive path relative to said signal level (column 11, lines 24-32);

adjusting the power level of the desensitization signal based on the changing system operating parameters of the wireless communication system (column 15, lines 41-65, column 17, lines 36-56); and

communicating to the source of the received signal a new power transmission level of the received signal based on the level of the desensitization signal (column 17, lines 36-56 and column 14, lines 13-16)

6. Claims 1-5, 7, and 11-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Hall et al. (Patent Number 5519888.).

As shown in figures 1, 4, and 9, Hall et al discloses a method and receiver for receiving a signal on a receive path of a receiver, comprising:

(1) regarding claims 1-4:

injecting a desensitization signal (outputted from 12 in figure 1) into said receive path (30) to raise the noise level of said receive path relative to said signal level (column 2, line 46-54, abstract);

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adjusting the power level of the desensitization signal based on the changing system operating parameters of the wireless communication system (by outputted from 27 to 12); and

communicating to the source of the received signal a new power transmission level of the received signal based on the level of the desensitization signal (column 2, lines 1-65)

(2) regarding claim 5:

further including the step of:

modulating a continuous wave signal (outputted from 159 and 160) using a modulating signal source (162) to produce a modulated desensitization signal (outputted from 161) as said desensitization signal.

(3) regarding claim 7:

wherein said step of modulating including the step of mixing said continuous wave signal with a modulating signal from said modulating signal source by element 161 to produce said modulated desensitization signal.

(4) regarding claims 11-13 and 15-16:

A receiver (figures 4 and 9) having a receive path for (41 in figure 4) receiving a signal, said receiver

comprising:

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a desensitization signal source (16 and 13 in figure 4, 159 and 160 in figure 9) that is capable of producing a desensitization signal on a desensitization signal path; and

a coupler (43 in figure 4, 163 in figure 9) connected to said desensitization signal path and said receive path and injects said desensitization signal into said receive path to raise the noise level on said receive path relative to the signal level (column 3, line 36- column 4, line 3, abstract).

(5) regarding claim 14:

further comprising:

a continuous wave signal source (159 in figure 9, 16 and 13 in figure 4) producing a continuous wave signal;

a modulating signal source (162) producing at least one modulating signal; and

a modulator (161) receives said continuous wave signal and said at least one modulating signal and modulates said continuous wave signal using said at least one modulating signal to produce a modulated desensitization signal as said desensitization signal.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. Claims 6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al.

Hall et al. discloses all of the subject matter as described above except for providing the continuous wave signal to an I/Q modulator.

However, it is well known that the modulator can be implemented by using I/Q modulator as would be understood by one of ordinary skill in the art.

It would have been obvious to one of the ordinary skill in the art at the invention to incorporate the well known I/Q modulator to the receiver as taught by Hall et al. so as to improve the noise type modulation in the receiver.

3. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al. in view of Menant (Patent Number 4270222).

Hall et al. discloses all of the subject matter as described above except for providing the continuous wave signal to an adjustable attenuator;

However, Menant teaches the adjustable attenuator (18) as shown in figure 2.

It would have been obvious to one of the ordinary skill in the art at the invention to incorporate the adjustable attenuator to the producing desensitization signal path in the receiver as taught by Hall et al. so as to improve the receiver to be as the adjustable sensitivity of the receiver.

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Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shuwang Liu whose telephone number is (703) 308-9556. The examiner can normally be reached on M-F, 8:00 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin, can be reached on (703) 305-4714. The fax number for this group (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Shuwang Liu

Shuwang Liu
August 5, 2001


STEPHEN CHIN
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